

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

JEFFREY DOUGLAS COSBY

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Case No.: 3:06cr151-MEF

NOTICE OF DISCOVERY DEFICIENCY

COMES NOW the Defendant, Jeffrey D. Cosby, by and through undersigned counsel, Kevin L. Butler, and provides the Court with notice of a discovery deficiency in this case. At this time the defense does not believe a Motion to Compel or court action is necessary. In support of this pleading undersigned counsel states:

1. On or about June 26, 2006, the defense received sixty six (66) pages of discovery from the government.
2. The discovery referenced voluminous internet conversations between Mr. Cosby and a undercover agent. However, the discovery does not contain transcripts of these conversations.
3. Additionally, undersigned counsel has learned that hundreds maybe thousands of digital images were seized from data storage items owned by Mr. Cosby are not available for inspection by the defense. These items will be relevant and material for trial and sentencing in this matter.
4. Government counsel has informed the defense that it is attempting to secure all items listed above. However, because many of the items were seized out this district and require forensic computer analysis, there has been a delay in the production of these items to the government.

5. As government counsel is making a good faith effort to secure the requested items, at this time a motion to compel is not warranted.
6. However, this pleading is filed to notify the Court that additional pretrial motions may be filed upon receipt and review of the requested items and that if the government encounters a substantial delay in receipt of these items, a motion to compel may be warranted.

Dated this 14th day of July 2006.

Respectfully submitted,

s/ Kevin L. Butler
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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Susan Redmond, Assistant United States Attorney.

Respectfully submitted,

s/ Kevin L. Butler
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